

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GLORIA BARAJAS,

1:02-CV-6202 DLB HC

Petitioner,

ORDER DENYING PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT TO NINTH
CIRCUIT COURT OF APPEALS MANDATE

v.

[Doc. 51]

KAREN WISE, PAROLE AGENT,

Respondent.

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On February 15, 2006, the undersigned granted Petitioner's petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, subject to the State's right to retry Petitioner. (Court Doc. 41.)

The State filed a notice of appeal with the United States Court of Appeals for the Ninth Circuit. (Court Doc. 45.)

On March 23, 2007, the Ninth Circuit, in a published opinion, affirmed this Court's decision granting the petition. See Barajas v. Wise, 481 F.3d 734 (9th Cir. 2007).

The appellate court subsequently granted the State's motion for rehearing, and on October 22, 2007, the Court held, in an unpublished opinion "that the California trial court did not violate defendant Barajas' constitutional right of confrontation of the witness against him by denying disclosure of the witness's current and former addresses as a matter of discretion," and the petition for writ of habeas corpus should be denied. Barajas v. Wise, 2007 WL 3105756 (October 22, 2007) (en banc).

Accordingly, pursuant to the Ninth Circuit’s decision and mandate, the instant petition for writ of habeas corpus is **HEREBY DENIED**, and judgment shall be entered in favor of Respondent, terminating this action.

IT IS SO ORDERED.

Dated: March 27, 2008

/s/ **Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE